

**RAILROAD
RULES AND REGULATIONS**
of the



Chapter 741
Oregon Administrative Rules
Divisions 300 through 335
and
SELECTED RAILROAD SAFETY STATUTES

AUGUST 2006

Copies of this book can be obtained from the Department of Transportation Rail Division by calling (503) 986-4321 or by writing to: ODOT Rail Division, Railroad Safety Rules, 555-13th Street NE, Suite 3, Salem, Oregon 97301-4179 or from our website: www.odot.state.or.us/rail.

OREGON DEPARTMENT OF TRANSPORTATION

ADMINISTRATIVE RULES – CHAPTER 741

RAILROAD RULES AND REGULATIONS

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DIVISION 300
MINIMUM CLEARANCES – GENERAL

741-300-0011

Definitions

- (1) "Department" means the Oregon Department of Transportation in all rules contained in Chapter 741, Divisions 300 through 335.
- (2) "Ladder Tracks" are lead and main switching tracks in yards and switching areas from which yard tracks extend for switching or storing railroad equipment.
- (3) "Main Track" is a track extending through yards and between stations that must not be occupied without authority or protection.
- (4) "Overhead Clearance" is that distance measured vertically from the top of rail to the lowest point of the structure or obstruction overhead.
- (5) "Railroad" as defined by ORS 824.020(2)(a) and (b), applies to all rules contained in Chapter 741, Divisions 300 through 335.
- (6) "Retractable Platforms" are platforms which are firmly attached to a permanent structure, and retract when not in use.
- (7) "Side Clearance" is the shortest distance from the centerline of the track to a structure or obstruction above top of rail at the side of the track.
- (8) "Track Centers" are the shortest distance between the centerlines of adjacent tracks.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 823.011 & ORS 824.052

Stats. Implemented: ORS 824.050 & ORS 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0015; RS 2-1998, f. & cert. ef. 8-20-98, Renumbered from 741-300-0040

741-300-0021

Applicability of Rules

- (1) The minimum clearance rules apply to construction completed on or after January 1, 1982.
- (2) Except as provided in section (3) of this rule, construction completed before January 1, 1982, shall comply with the minimum clearance rules or orders in effect at the time such construction was completed.
- (3) Signs conforming to OAR 741-330-0010 shall be installed and maintained in cases where the minimum clearance rules or orders in effect at the completion of construction are less stringent than those currently in effect.
- (4) Unless otherwise authorized by the Department, a railroad is prohibited from moving freight cars, locomotives, or other rolling equipment over tracks where the clearances are less than those prescribed in the minimum clearance rules.
- (5) The minimum clearance rules apply to each railroad owning and capitalizing railroad trackage, and each person or unit of government owning, leasing or holding a salvage interest in railroad trackage.

(6) No facility shall be constructed or altered in such a manner that it does not comply with the minimum clearance rules unless authorized by order of the Department.

(7) A railroad operating on its own or on another railroad's property, shall comply with all the rules contained in chapter 741, divisions 300 through 335, and any order issued by the Department or any predecessor agency, for that portion of the railroad facility upon which it is operating.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 824.052

Stats. Implemented: ORS 824.050 & 824.052

Hist.: PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0005; RS 2-1998, f. & cert. ef. 8-20-98, Renumbered from 741-300-0010; RD 1-2006, f. & cert. ef. 8-28-06

741-300-0031

Standards for Granting Variances

The primary purpose of ORS 824.052, and the track clearance standards adopted by the Department thereunder, is to protect the safety of railroad employees. However, subsection (2) of ORS 824.052 authorizes the Department to permit variances from the clearance standards for "good cause." "Good cause", for purposes of variances from the Department's clearance standards, exists if:

(1) The risk to railroad employee safety caused by the nonstandard condition(s) will not be significantly greater than the risk railroad employees would ordinarily encounter if the facility was in compliance with the clearance standards;

(2) The degree of impairment to railroad employee safety does not justify the expense of bringing the facility into compliance with the clearance standards; or

(3) Other useful purposes served by the nonstandard condition(s) outweigh the impairment to railroad employee safety.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 823.011 & ORS 824.052

Stats. Implemented: ORS 824.050 & ORS 824.052

Hist.: PUC 11-1983, f. & ef. 10-6-83 (Order No. 83-620); PUC 2-1984, f. & ef. 2-10-84 (Order No. 84-091); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0008; RS 2-1998, f. & cert. ef. 8-20-98, Renumbered from 741-300-0020

741-300-0041

Applications for Variances and Operation Restrictions

(1) An application for a variance from standard clearances shall contain a statement of the condition(s), the reason(s) for the request, and the estimated cost of bringing the facility involved into full compliance with the clearance standards. Application forms may be obtained from the Department, or online at "www.oregon.gov/odot/rail/railemployeesafety.shtml". Applications must be filed with the Department within 30 days of the date the Department documents the nonstandard condition(s). Incomplete applications will be returned.

(2) In lieu of requesting a variance from the clearance standards, if railroad employee safety will not be impaired, the owner or lessee of a track on which service is provided to no other businesses may restrict operations over any portion of the track by posting an operation restriction sign, conforming to OAR 741-330-0010(2). Signs shall be located on each side of the track, facing incoming railroad movements, at a point beyond which no railroad employee may go or move equipment. The person posting the signs shall notify the Department and each railroad that provides service over the track of the intent to restrict operations. Notification shall be furnished in writing to the Department and to each railroad at least two weeks in advance of installation of the operation restriction signs.

(3) In lieu of requesting a variance from the clearance standards, if neither railroad service to another rail user nor railroad employee safety will be impaired, the owner or lessee of a track on which service is provided to one or more other businesses may apply to the Department (copy to the affected railroad) for written approval to restrict operations over any portion of the track by use of an operation restriction sign conforming to OAR 741-330-0010(2). Signs shall be located on each side of the track facing incoming railroad movements, at a point beyond which no railroad employee may go or move equipment. Following railroad comment the Department may act upon the application as circumstances warrant. If the application is approved, the person permitted to install such signs shall notify the Department and each affected railroad in writing of the fact of installation at least two weeks in advance of intended operation.

(4) Upon receipt of the foregoing notification of installation, each affected railroad shall immediately instruct its operating employees in writing, by special instruction or timetable bulletin, not to go or move equipment beyond the point at which the operation restriction signs are posted.

(5) An owner or lessee of a track shall not remove an operation restriction sign unless the facility is in full compliance with the clearance rules or unless the Department has approved an application for a variance.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 824.052

Stats. Implemented: ORS 824.050 & 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); PUC 3-1985, f. & ef. 4-8-85 (Order No. 85-291); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0010; RS 2-1998, f. & cert. ef. 8-20-98, Renumbered from 741-300-0030; RD 1-2006, f. & cert. ef. 8-28-06

741-300-0050

Temporarily Impaired Clearances

(1) The minimum clearance rules do not apply:

(a) During construction or maintenance of the railroad, if restricted clearances are caused by materials and/or equipment necessary to the construction or maintenance, and if all rail movements are conducted in a safe manner; or

(b) During periods of emergency due to derailments, wrecks, washouts and like conditions, provided all rail movements are conducted in a safe manner.

(2) When materials and/or equipment do not comply with the minimum clearance rules, as allowed by section (1) of this rule, railroad employees shall be notified

immediately and written notice issued to them within 24 hours, with a copy to the Department. Unless authorized by the Department, impairments shall not be allowed to exist for a period exceeding 30 days, unless all reasonable efforts are being made to complete the work as soon as is possible.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 823.011 & ORS 824.052

Stats. Implemented: ORS 824.050 & ORS 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0016; RS 2-1998, f. & cert. ef. 8-20-98

741-300-0060

Authorization for Impaired Clearances

If written notice has been given to the Department and the written consent of the railroad has been obtained, the minimum clearance rules do not apply:

(1) For such tracks, buildings, facilities, structures, or rolling equipment operated exclusively for the loading and unloading of logs, and signs conforming to OAR 741-330-0010(1) are installed;

(2) For wood chip loading and other loading facilities which, when operated, impair minimum overhead clearance, provided such facilities are retracted to minimum clearance when not in operation and signs conforming to OAR 741-330-0010(1) are installed;

(3) For retractable platforms which, when operated, impair minimum side clearance, provided such platforms are retracted to minimum clearance when not in operation; or

(4) For dumping devices for offloading the contents of cars, provided prior notice of the installation of such devices is given to the Department and provided signs conforming to OAR 741-330-0010 (as appropriate) are installed.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 823.011 & ORS 824.052

Stats. Implemented: ORS 824.050 & ORS 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); PUC 6-1983, f. & ef. 6-13-83 (Order No. 83-313); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0017; RS 2-1998, f. & cert. ef. 8-20-98

DIVISION 305 OVERHEAD CLEARANCES

NOTE: The overhead clearances set forth in these rules are minimum requirements established for employee safety. Nothing in these rules shall prohibit a railroad from requiring greater clearances.

741-305-0010

Minimum Overhead Clearance

(1) Except as provided in section (2) of this rule, all overhead clearance shall be at least 20 feet 9 inches above the top of rail.

(2) Minimum clearance may be decreased to the extent defined by a half-circumference of a circle having a radius of 8 feet 6 inches with its center at a point 14 feet above top of rail and directly over centerline of track.

(3) The overhead clearances set forth in these rules are minimum requirements established for employee safety. Nothing in these rules shall prohibit a railroad from requiring greater clearances.

(4) See **Figures 305-1** and **305-3** for a diagram of minimum clearances. For bridges and tunnels see OAR 741-310-0040(2).

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 824.052

Stats. Implemented: ORS 824.050 & 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0055; RS 2-1998, f. & cert. ef. 8-20-98; RD 1-2006, f. & cert. ef. 8-28-06

741-305-0020

Buildings

(1) With the exception of engine houses and car repair shops, when tracks terminate within enclosed buildings, all overhead clearances shall be at least 18 feet above the top of rail. In all cases where clearances of less than 20 feet 9 inches exist in buildings, all cars, locomotives or other equipment shall be brought to a stop before entering. "STOP" signs conforming to OAR 741-330-0010(3) shall be installed.

(2) See **Figure 305-2** for a diagram of minimum clearance inside buildings. For overhead clearances through bridges and tunnels, see OAR 741-310-0040(2).

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 824.052

Stats. Implemented: ORS 824.050 & 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-00060; RS 2-1998, f. & cert. ef. 8-20-98; RD 1-2006, f. & cert. ef. 8-28-06

**STATE OF OREGON DEPARTMENT OF
TRANSPORTATION
MINIMUM STANDARD CLEARANCES FOR
STRUCTURES**

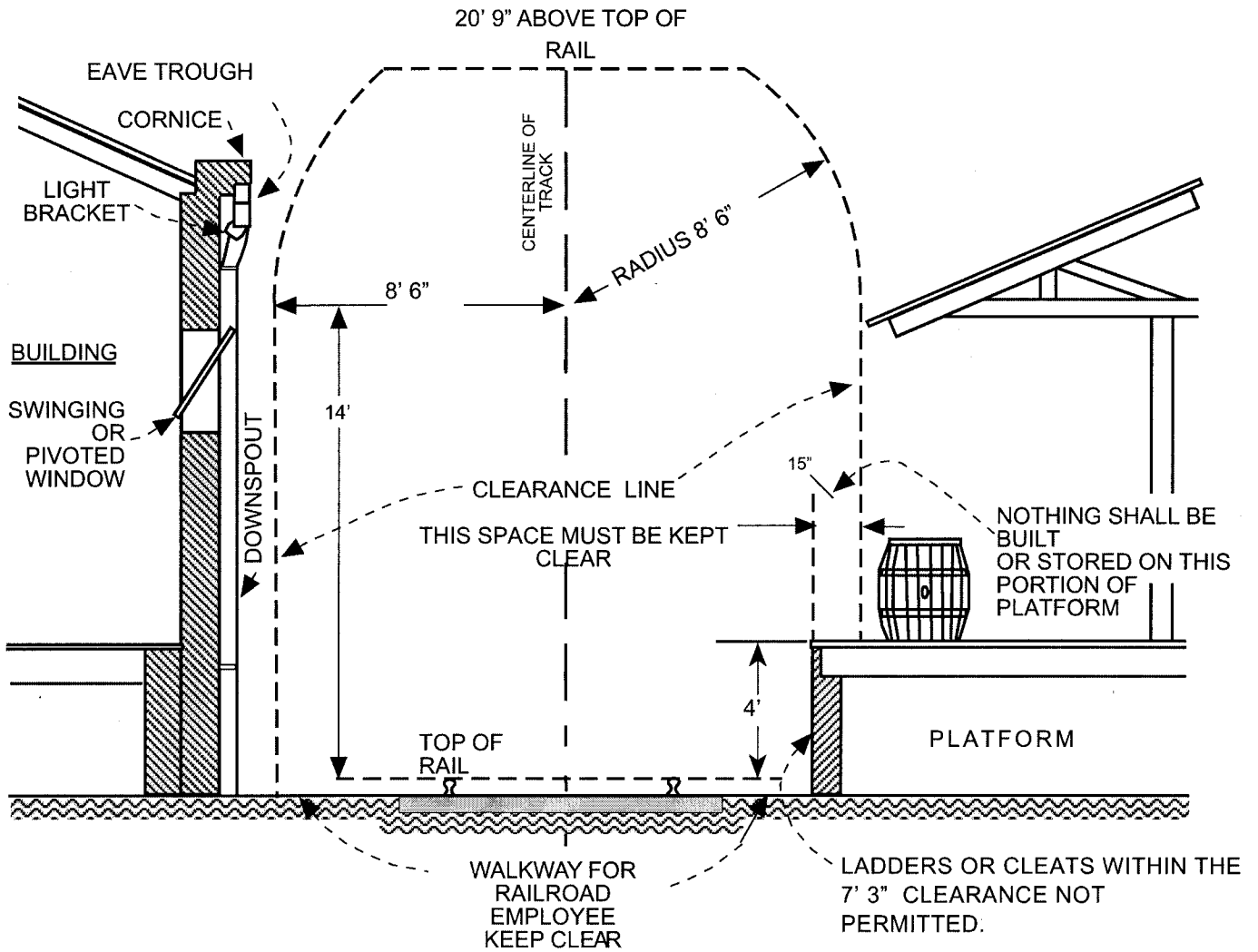


FIG. 305-1

741-305-0010 THROUGH 305-0020
AND 310-0010 THROUGH 310-0030

**DOORWAYS
WHERE TRACKS TERMINATE
INSIDE ENTIRELY ENCLOSED BUILDINGS**

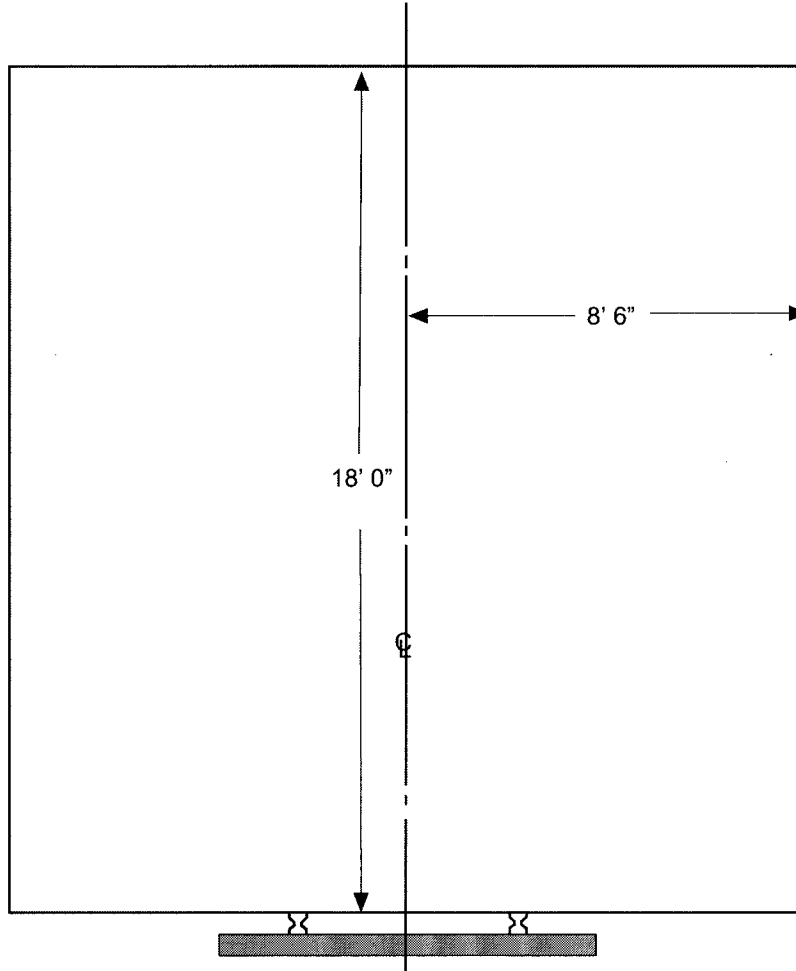


FIG. 305-2
741-305-0020

(A STOP SIGN OF STANDARD SIZE AND DESIGN SHALL BE PROPERLY DISPLAYED AT THE ENTRANCE. SEE RULE 741-330-0010 (3).)

OVERHEAD CLEARANCES IN GENERAL

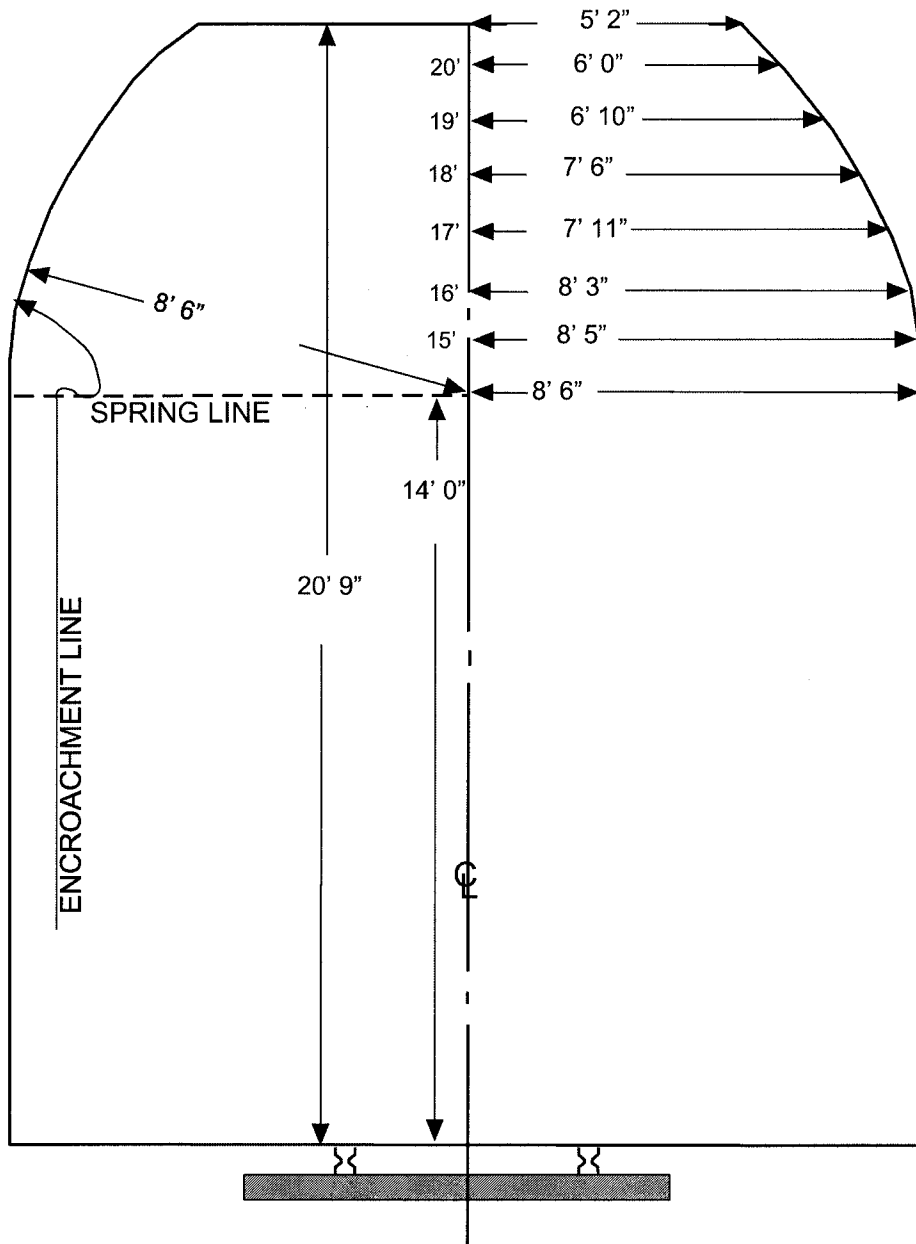


FIG. 305-3
741-305-0010

DIVISION 310 SIDE CLEARANCES

NOTE: The side clearances set forth in these rules are minimum requirements established for employee safety. Nothing in these rules shall prohibit a railroad from requiring greater clearances.

741-310-0010

In General

(1) Except as otherwise provided, all side clearance shall be at least 8 feet 6 inches, as measured from centerline of track.

(2) The side clearances set forth in these rules are minimum requirements established for employee safety. Nothing in these rules shall prohibit a railroad from requiring greater clearances.

(3) See **Figure 305-1** and **Figure 310-1** for diagrams of the minimum side clearances.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 824.052

Stats. Implemented: ORS 824.050 & 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0105; RS 2-1998, f. & cert. ef. 8-20-98; RD 1-2006, f. & cert. ef. 8-28-06

741-310-0020

Side Clearance for Curved Track

(1) Minimum side clearance for objects adjacent to curved track constructed on or after May 3, 1983, covered by OAR 741-310-0010 through 741-310-0050, shall be increased at the rate of 1/2 inch per degree of curvature above that prescribed for tangent track.

(2) The Department recommends that minimum side clearance for curved tracks, covered by OAR 741-310-0010 through 741-310-0050, be at least 12 inches greater than that prescribed for tangent track.

(3) See **Figure 305-1** and **Figure 310-1** for diagrams of the minimum side clearances.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 824.052

Stats. Implemented: ORS 824.050 & 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); PUC 6-1983, f. & ef. 6-13-83 (Order No. 83-313); PUC 4-1990, f. & cert. ef. 4-17-90 (Order No. 90-488); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0106; RS 2-1998, f. & cert. ef. 8-20-98; RD 1-2006, f. & cert. ef. 8-28-06

741-310-0030

Platforms

(1) Minimum side clearances for platforms as measured from centerline of track shall be: **Description** ----- **Minimum Clearance:**

(a) Platforms constructed 8 inches or less above top of rail at greatest height. 4 feet 8 inches;

(b) Platforms constructed in excess of 8 inches but 4 feet or less above top of rail at greatest height. 7 feet 3 inches;

(c) Platforms constructed prior to January 1, 1982, in excess of 4 feet but 4 feet 6 inches or less above top of rail at greatest height. 8 feet;

(2) All platforms, except as described in subsection (3)(b) of this rule, shall have a continuous regular surface extending out to a point at least 8 feet 6 inches from centerline of track.

(3)

(a) See **Figure 310-2** for diagrams of the minimum clearances for platforms.

(b) Platforms described in subsection (1)(a) of this rule may be combined with a platform described in subsection (1)(b) or (c) of this rule, provided the lower platform is level from the clear point (4 feet 8 inches from centerline of track) to track side face of the upper platform. See **Figure 305-1** and **Figure 310-3**.

(c) Platforms described in subsection (1)(a) of this rule may create a walkway condition that requires compliance with OAR 741-320-0070(1).

(d) The Department recommends that platforms described in subsection (1)(b) of this rule, which consists of a cantilever dock or otherwise elevated platform, should have the ends facing approaching train movements, painted with fluorescent paint or reflectorized material to warn train crews of the obstruction.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 824.052

Stats. Implemented: ORS 824.050 & 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0110; RS 2-1998, f. & cert. ef. 8-20-98; RD 1-2006, f. & cert. ef. 8-28-06

741-310-0040

Bridges and Tunnels

(1) Except as provided in sections (2) and (3) of this rule, side clearance for bridges and tunnels is 8 feet as measured from centerline of track.

(2) Minimum side clearance in tunnels and through bridges may be decreased, above 14 feet 6 inches, to the extent defined by a half-circumference of a circle having a radius of 8 feet with its center at a point 14 feet 6 inches above top of rail directly over the centerline of track. This rule does not alter the 20 feet 9 inches overhead clearance requirement of OAR 741-305-0010.

(3) Except where walkways are used by employees engaged in switching, the minimum side clearance does not apply to the lower section of a bridge so long as no part of the structure falls inside an encroachment line drawn from a point 5 feet from centerline of track and level with top of rail, diagonally upward to a point 8 feet from centerline of track at a height 4 feet above top of rail.

(4) See **Figure 310-3** for a diagram of minimum clearances for tunnels and through bridges. See **Figure 310-4** for a diagram of minimum clearances for the lower section of bridges.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 824.052

Stats. Implemented: ORS 824.050 & 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0115; RS 2-1998, f. & cert. ef. 8-20-98; RD 1-2006, f. & cert. ef. 8-28-06

741-310-0050

Miscellaneous Structures

The minimum side clearance for the following structure is:

Description	Minimum Clearance:
(1) Cattle guards and cattle chutes.	OAR 741-310-0040(3) applies.
(2) Refuge platform. (OAR 741-310-0040(3) applies to bracing for platform railing)	8 feet
(3) Block signals on bridges and trestles.	8 feet.
(4) Handrails on bridges and trestles 44 inches high or less.	7 feet 9 inches
(5) Interlocking mechanisms including all devices at switches used for the control of signals or protective devices at crossings 4 inches high or less above top of rail. Interlocking mechanisms 4 inches high or less above top of rail at power switches and spring switches require no minimum clearance. This section applies only to interlocking mechanisms located at or above top of rail.	3 feet from centerline of track or located adjacent to switch stand.
(6) Signals, switch stands, and switch housings constructed 3 feet high or less above top of rail. Power switches require no minimum clearance. This section applies only to signals, switch stands and switch housings which are at or above top of rail.	6 feet

(7) Engine Service Facilities:

- | | |
|--|------------------|
| (a) Engine house doors | 6 feet 3 inches; |
| (b) Inside engine houses | 5 feet 5 inches; |
| (c) Outside engine service facilities | 6 feet 6 inches; |
| (d) Oil, sand and/or water columns, used exclusively for engine servicing. | 8 feet |

(8) See **Figure 310-5** for a diagram of minimum clearances on miscellaneous structures.

(9) Overhead wires, used to transmit electric energy, and the poles that support them, should have a minimum clearance of not less than that specified by the 2002 edition of the National Electric Safety Code, part 2, "Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines", Section 23, "Clearances", approved by the American National Standards Institute.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 824.052

Stats. Implemented: ORS 824.050 & 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); PUC 6-1983 f. & ef. 6-13-83 (Order No. 83-313); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0120; RS 2-1998, f. & cert. ef. 8-20-98; RD 1-2006, f. & cert. ef. 8-28-06

**STANDARD SIDE
CLEARANCE
IN GENERAL**

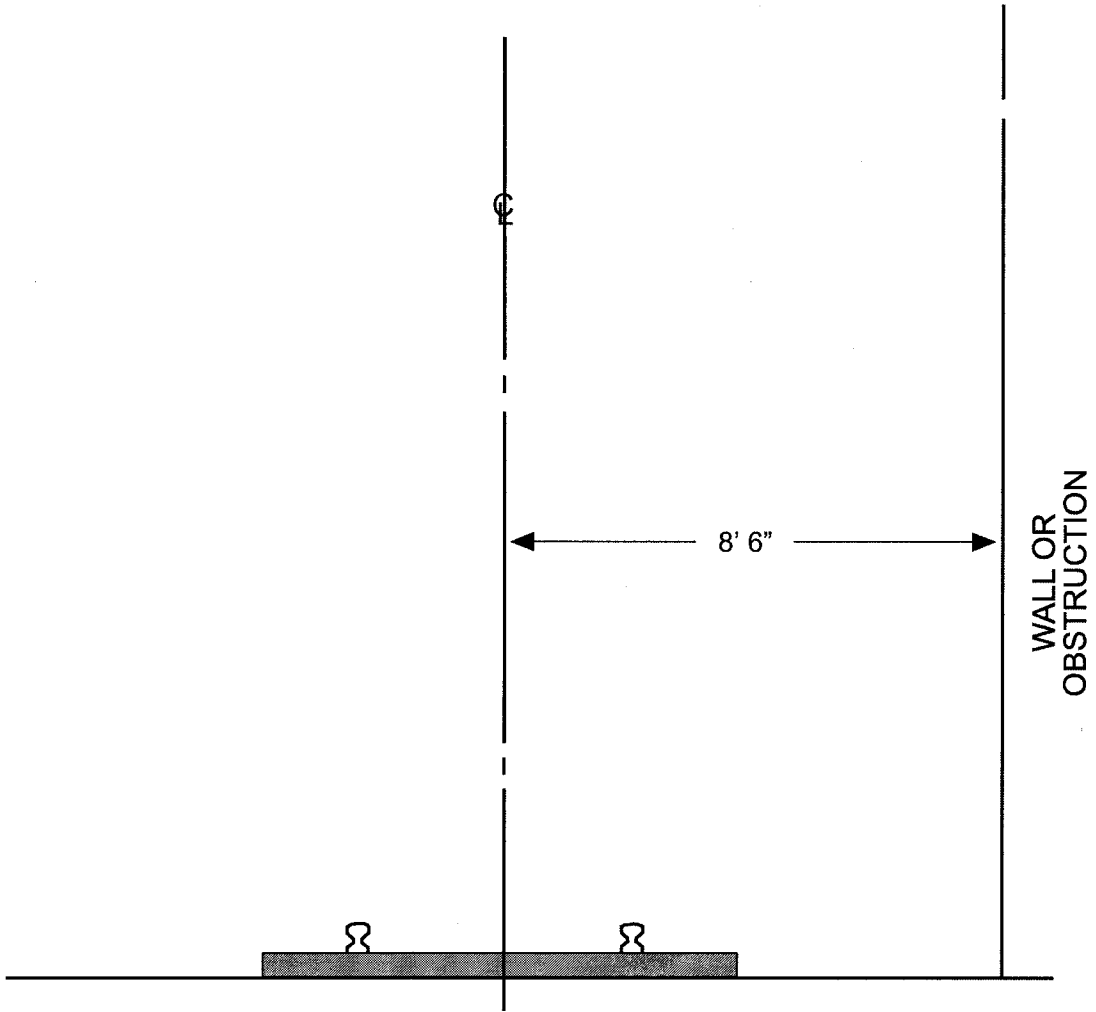


FIG. 310-1
741-310-0010

PLATFORM CLEARANCE

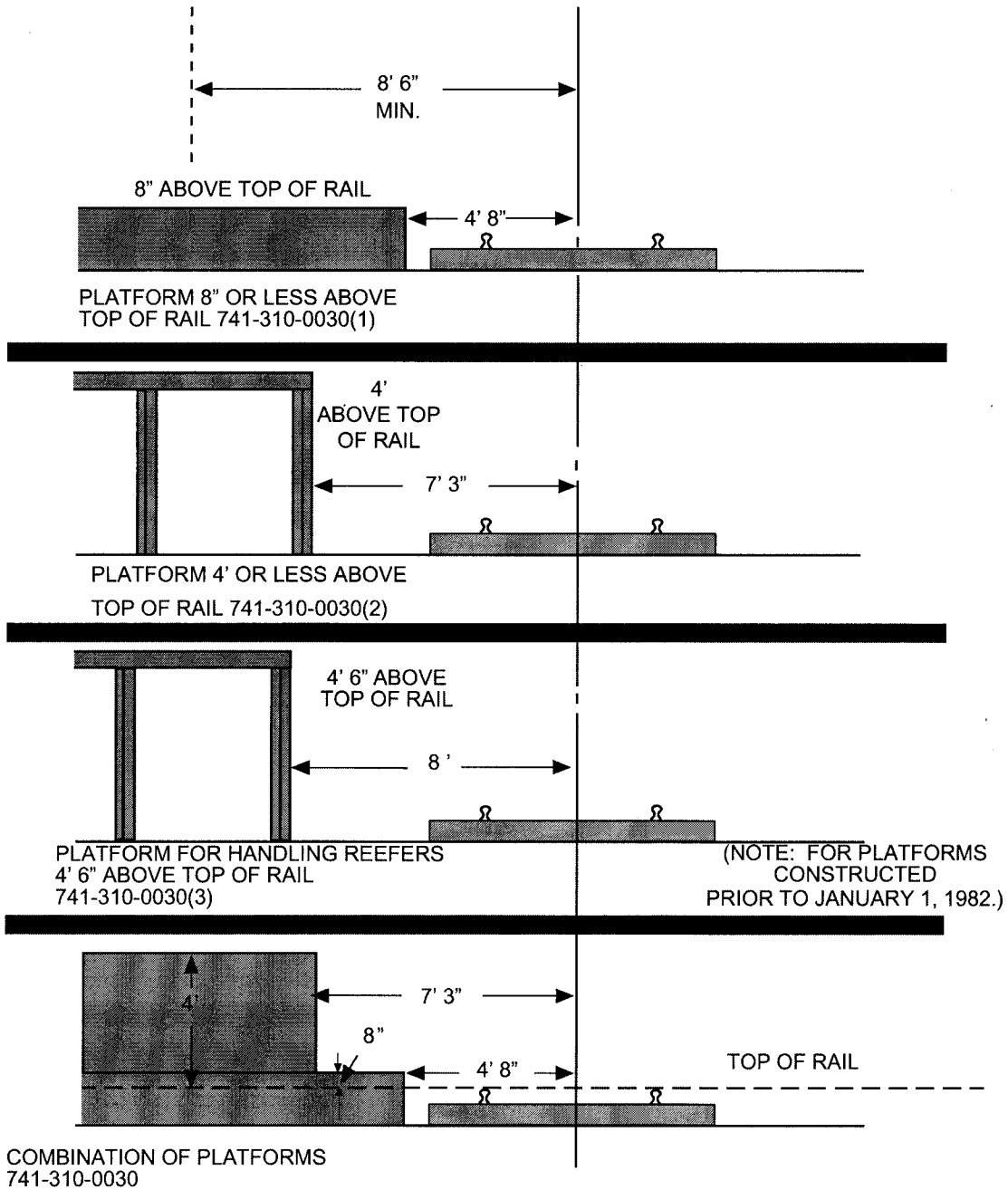


FIG. 310-2
741-310-0030

BRIDGES AND TUNNELS

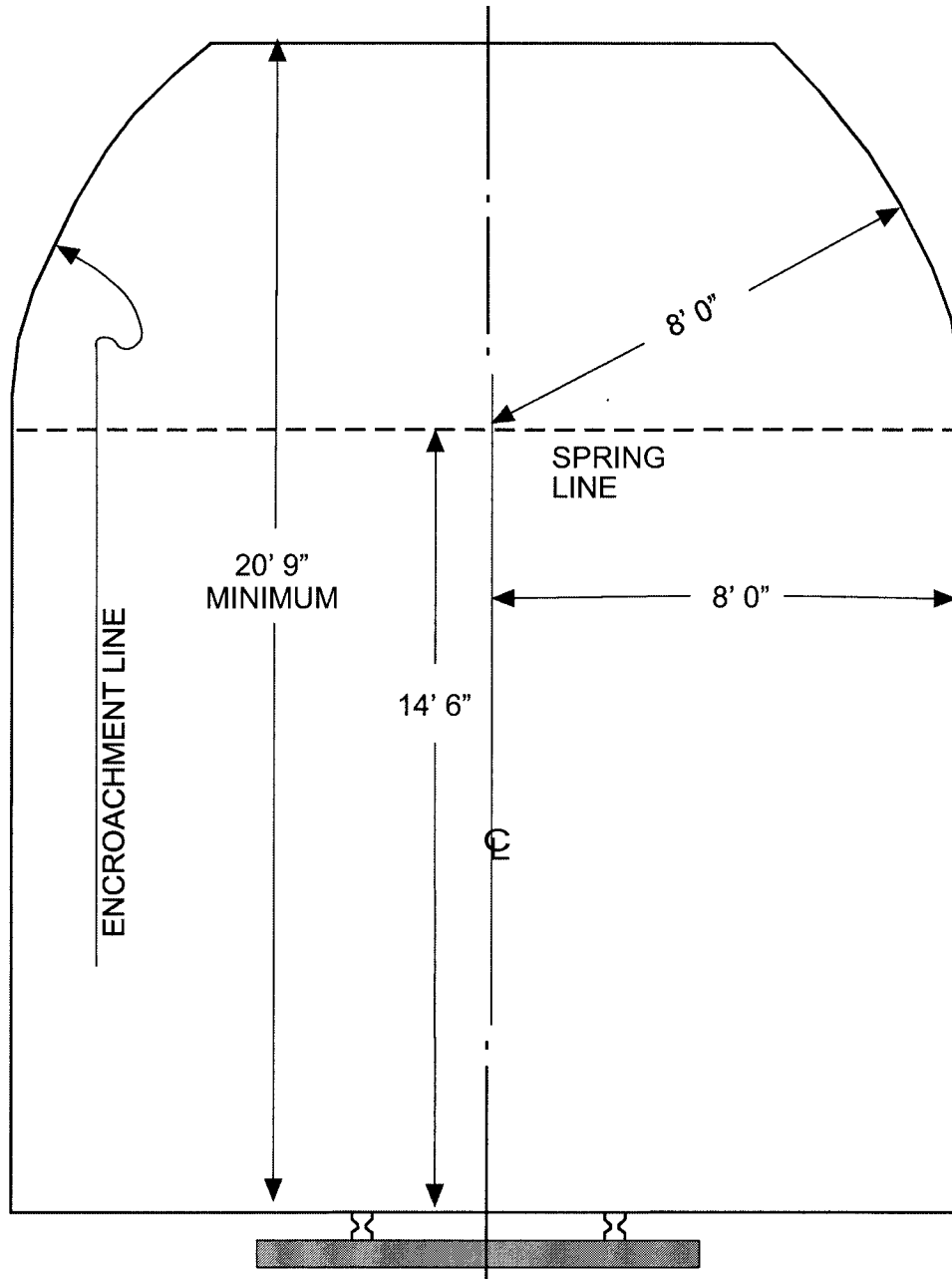


FIG. 310-3
741-310-0040(1),(2)

**BRIDGE-LOWER SECTION
AND STRUCTURES 4' 0" HIGH OR LESS**

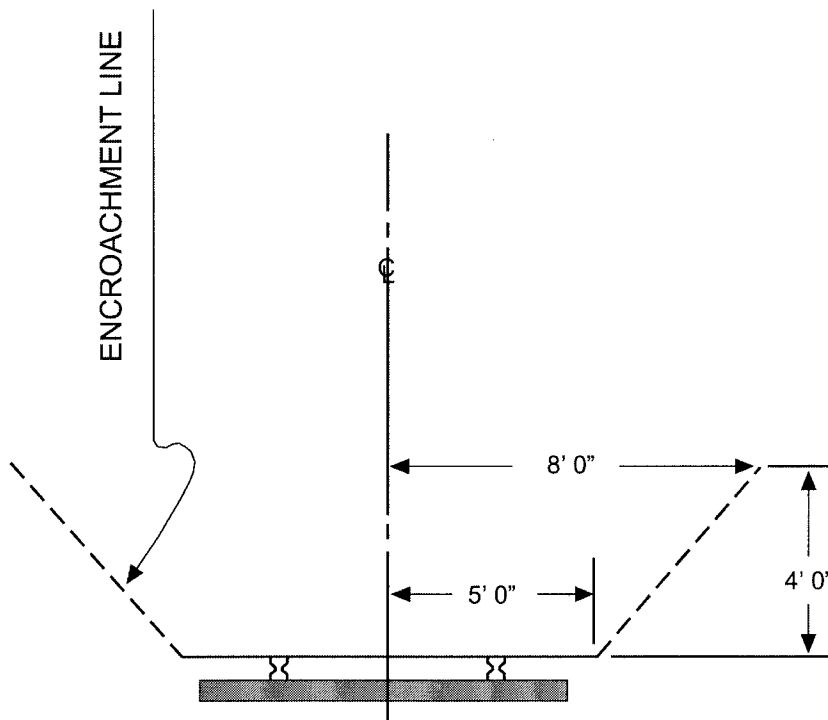


FIG. 310-4
741-310-0040(3)

CLEARANCE FOR MISCELLANEOUS STRUCTURES

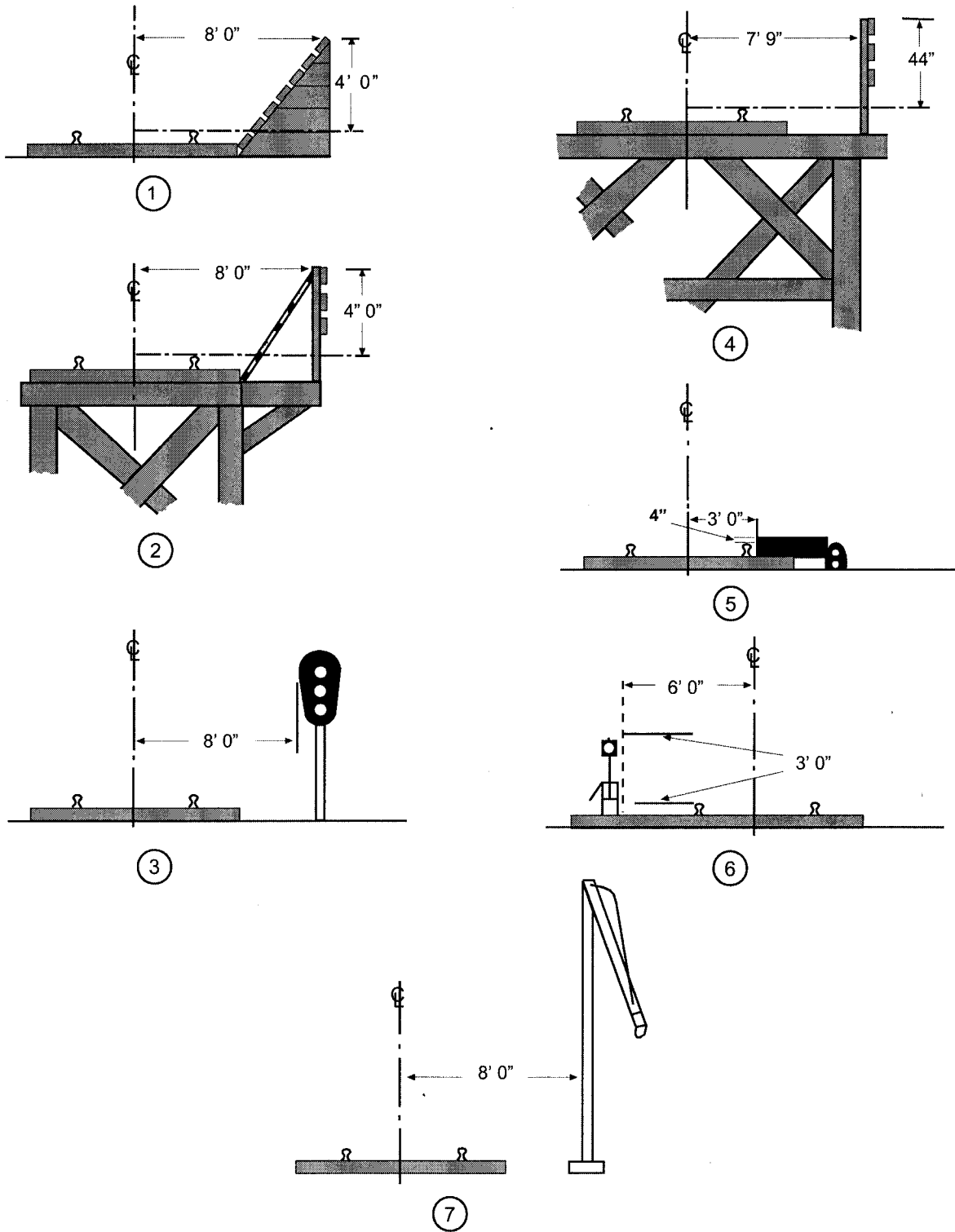


FIG. 310-5
741-310-0050

DIVISION 315 TRACK CENTERS

NOTE: The track centers set forth in these rules are minimum requirements established for employee safety. Nothing in these rules shall prohibit a railroad from requiring greater distances.

741-315-0010

Track Centers

(1) The following track centers are minimum required distances between the centerlines of tangent tracks:

Type of Track	Track Centers
(a) Between main tracks or between a main track and a subsidiary track, other than a ladder track.	15 feet;
(b) Between parallel ladder tracks or between ladder tracks and other tracks.	20 feet;
(c) Between tangent tracks not otherwise specified.	14 feet.

(2) Minimum track centers for curved track constructed prior to April 29, 1983, shall be at least 1/2 inch per degree of curvature greater than that prescribed for tangent tracks.

(3) Track centers on tracks for which 14 feet minimum track centers are required on tangent track shall be increased from 14 feet at the rate of 1 1/2 inches per degree of curvature.

(4) Track centers on tracks for which 15 feet minimum track centers are required on tangent track shall be increased from 15 feet at the rate of 1 1/2 inches per degree of curvature in excess of eight degrees.

(5) The track centers set forth in these rules are minimum requirements established for employee safety. Nothing in these rules shall prohibit a railroad from requiring greater distances.

(6) See **Figure 315-1** for a diagram of minimum clearances for track centers.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 824.050 & 824.052

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0155; RS 2-1998, f. & cert. ef. 8-20-98; RS 2-1998, f. & cert. ef. 8-20-98; RD 1-2006, f. & cert. ef. 8-28-06

TRACK CLEARANCE

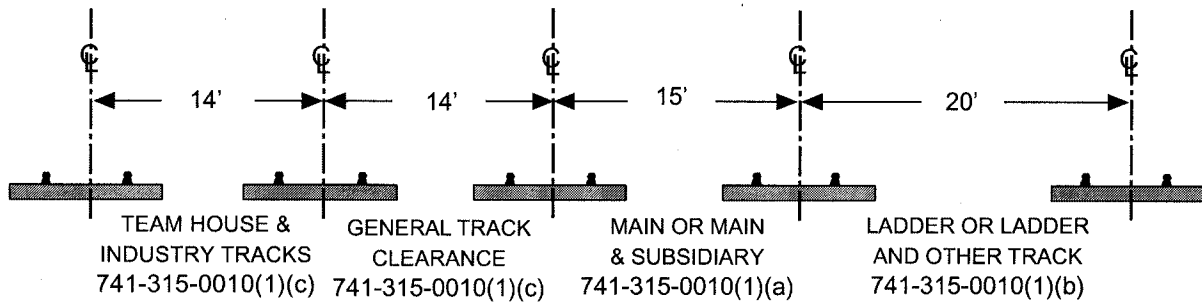


FIG. 315-1
741-315-0010

DIVISION 320 STANDARD WALKWAYS

741-320-0010

Applicability of Rules

(1) Except as provided in section (2) of this rule, the walkway rules shall apply to each railroad owning and capitalizing railroad trackage, and each person or unit of government owning, leasing or holding a salvage interest in railroad trackage.

(2) OAR 741-320-0060(4) shall apply to those occupying property adjacent to railroad trackage, in addition to those entities or persons set forth in section (1) of this rule.

(3) The Department may order walkways conforming to OAR 741-320-0080 be constructed and maintained along one or both sides of any railroad track, structure, or railway tunnel where not otherwise required by these rules, only after notice to the affected railroad and hearing (in case of dispute).

(4) Except as approved by the Department, no railroad track or structure shall be placed in service until walkways have been provided that are in compliance with the applicable standard and notice is given to the Department.

(5) Other than for routine maintenance, any structure altered or rebuilt shall be equipped with a walkway on at least one side conforming to standards set forth in OAR 741-320-0130.

(6) A railroad operating on its own or another railroad's property shall comply with all the rules contained in chapter 741, divisions 300 through 335, and any order issued by the Department or any predecessor agency, for that portion of the railroad facility upon which it is operating.

(7) These rules do not apply:

(a) During periods of new track construction, maintenance, repair, renewal, reconstruction, or alteration of a right-of-way, track, or structure, where obstruction or removal of a walkway is unavoidable, provided affected railroad personnel are given prior written notice and provided walkways are returned to standard upon completion of the work. Unless authorized by the Department, non-standard walkways shall not exist for a period exceeding 30 days, unless all reasonable efforts are being made to complete the work as soon as is possible;

(b) During periods of heavy rain or snow, derailments, rock and earth slides, washouts, and like unforeseen conditions, including a reasonable time to permit necessary restorations.

(c) During periods of new construction of industry tracks, not to exceed 15 calendar days from date of first use without written consent of the Department, provided written notice is given to all affected railroad employees and to the Department; or

(d) At locations where the Department or the Public Utility Commission has authorized an impairment of standard clearance for a permanent obstruction, which has been placed or constructed alongside a track in such a location as to block the walkway partially or to prevent construction of the applicable standard walkway, the available space between the impairing obstruction and the track shall meet the applicable walkway standard in every respect except as prevented by the impairment.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 824.056

Stats. Implemented: ORS 824.050 & 824.056

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); PUC 4-1990, f. & cert. ef. 4-17-90 (Order No. 90-488); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0180; RS 2-1998, f. & cert. ef. 8-20-98; RD 1-2006, f. & cert. ef. 8-28-06

741-320-0020

Definitions

As used in OAR 741-320-0010 through 741-320-0170, 741-325-0010, 741-330-0010 through 741-330-0040 and 741-335-0010 through 741-335-0050, unless the context requires otherwise:

(1) "Structure" is any bridge or trestle on which a railroad track is constructed.

(2) "Walkway" is a pathway located alongside or in the vicinity of a railroad track for the purpose of providing an area for railroad employees to perform their normal trackside duties.

(3) "Inside edge of a walkway" is that edge of a walkway closest to the nearest rail of the track for which the walkway is constructed.

(4) "Yard" is a system of tracks, other than main tracks and sidings, used for making up trains, storing cars and other purposes including the inspection, repair and cleaning of cars.

(5) "Railroad shop or repair track" is a fixed repair facility or track that is regularly and consistently used to perform major repairs, regardless of whether a mobile repair vehicle is used to conduct the repairs.

(6) "Major repair" means a repair that normally requires greater than four person-hours to accomplish or involves the use of specialized tools and equipment. Major repairs include such activities as coupler replacement, draft gear repair, and repairs requiring the use of an air jack but exclude changing wheels on intermodal loading ramps either with or without an air jack.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 824.056

Stats. Implemented: ORS 824.050 & 824.056

Hist.: PUC 13-1981, f. & ef. 12-21-81 (Order No. 81-900); PUC 4-1983, f. & ef. 5-3-83 (Order No. 83-242); RS 2-1996, f. & cert. ef. 3-14-96; Renumbered from 860-044-0190; RS 2-1998, f. & cert. ef. 8-20-98; RD 1-2006, f. & cert. ef. 8-28-06

741-320-0040

Standards for Granting Variances

The primary purpose of ORS 824.056, and the walkway standards adopted by the Department is to protect the safety of railroad employees. However, subsection (2) of ORS 824.056 authorizes the Department to permit variances from the walkway standards for "good cause" shown. "Good cause," for purposes of variances from the Department walkway standards, exists if:

(1) The risk to railroad employee safety caused by the nonstandard condition(s) will not be significantly greater than the risk railroad employees would ordinarily encounter if the facility was in compliance with the walkway standards;

